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09/746,684	12/22/2000	Sridhar Iyengar	42390P10467	1658

8791 7590 09/10/2007  
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EXAMINER
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GOLD, AVI M

ART UNIT	PAPER NUMBER
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2157

MAIL DATE	DELIVERY MODE
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09/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/746,684

Applicant(s)

IYENGAR ET AL.

Examiner

Avi Gold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to the amendment filed on June 25, 2007. Claims 1, 7, 8, 18, 24, and 26 were amended. Claims 1-26 are pending.

#### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 7, 8, 18, 24, and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the specification does not include dynamically changeable characteristics of the handheld device.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al., U.S. Patent No. 6,484,011, further in view of Brooks et al., U.S. Patent No. 7,069,573.

Thompson teaches the invention substantially as claimed including an annunciator display device which is always on and which can wirelessly receive information to be display (see abstract).

As to claim 18, Thompson teaches a system to facilitate, interactive content associated with a broadcast from a remoter source, comprising:

a local viewing device receiving the broadcast from the remote source (col. 1, lines 19-22, col. 3, lines 14-25, Thompson discloses a wireless display device receiving a content catalog by means of a broadcast)

a first machine at a first location having disposed therein a content server, and a handheld device communicatively coupled to the content server (col. 1, lines 19-22, col. 3, lines 14-25, col. 6, lines 10-17, Thompson discloses a wireless display device receiving a content catalog (on a first machine) by means of a broadcast);

a first memory accessible by the handheld device having first instructions stored therein, which when executed by the handheld device, direct the handheld device to monitor a user interface for a trigger event, and responsive thereto, to request a catalog associated with the broadcast from the content server, the catalog identifying at least interactive data associated with the broadcast (col. 1, lines 19-22, col. 3, lines 14-25,

col. 6, lines 10-17, Thompson discloses pressing an arrow key on the device to choose content and receiving a content catalog by means of a broadcast, with some content being interactive);

a second machine at a second location, different from said first location, having disposed therein a content initiator communicatively coupled to the content server (col. 1, lines 19-22, col. 3, lines 14-25, col. 6, lines 10-17, Thompson discloses a wireless display device (a second machine) receiving a content catalog); and

the data is synchronized with the broadcast received by the local viewing device (col. 9, lines 19-27, Thompson discloses the synchronization of a broadcast received by a device).

Thompson fails to teach the limitation further including a content formatting server and a second memory accessible by the content formatting server having second instructions stored therein, which when executed by the formatting server, direct the content formatting server to access data of the content initiator in a first data format incompatible with the handheld device, and provide converted data to the handheld device in a second format compatible with the handheld device.

However, Brooks teaches a personal broadcasting and viewing method of audio and video data using a wide area network (see abstract). Brooks teaches the use a device receiving data in only one format and determining a processing program for the selected format and converting that data to the proper format (col. 2, line 57 – col. 3, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thompson in view of Brooks to have a content formatting server and a second memory accessible by the content formatting server having second instructions stored therein, which when executed by the formatting server, direct the content formatting server to access data of the content initiator in a first data format incompatible with the handheld device, and provide converted data to the handheld device in a second format compatible with the handheld device. One would be motivated to do so because it allows the user to view all of the available content on their device.

Regarding claim 19, Thompson and Brooks teach the system of claim 18, wherein the first data format is the same as the second format (col. 2, lines 57-67, Brooks discloses that some mobile devices are able to receive a plurality of formats).

Regarding claim 20, Thompson and Brooks teach the system of claim 18, wherein said second instructions include further instructions for converting the first data format into the second data format (col. 2, line 57 – col. 3, line 5, Brooks).

Regarding claim 21, Thompson and Brooks teach the system of claim 18, further comprising:

a content provider communicatively coupled to the formatting server;

wherein said first instructions include further instructions, which when executed by the handheld device, direct the handheld device to retrieve content from the content provider (col. 3, lines 14-25, Thompson).

Regarding claim 22, Thompson and Brooks teach the system of claim 21, wherein said instructions include further instructions, which when executed by the handheld device, direct the handheld device to:

- display the catalog on the handheld device;
- receive a selection of a catalog entry corresponding to content provided by a content provider; and
- retrieve said content from the content provider (col. 3, lines 14-25, Thompson).

Regarding claim 23, Thompson and Brooks teach the method of claim 1, wherein the content identified in the content catalog changes in accord with changes of material present in the broadcast (col. 1, lines 19-22, col. 3, lines 14-25, Thompson).

Regarding claim 24, Thompson teaches a method for a handheld device to facilitate interactive content associated with broadcast, comprising:

- receiving, by a local viewing device, the broadcast from the remote source (col. 1, lines 19-22, col. 3, lines 14-25);

indicating with the handheld device interest in obtaining a content catalog containing at least one transitory selectable item associated with the broadcast (col. 1, lines 19-22, col. 3, lines 14-37, Thompson discloses an interactive TV ad);

receiving the content catalog (col. 3, lines 14-25);

selecting content in the content catalog (col. 6, lines 10-17); and

the selected content is synchronized with the broadcast received by the local viewing device (col. 9, lines 19-27).

Thompson fails to teach the limitation further including a transitory selectable item comprising content in a first data format that is incompatible with the handheld device, identifying content selection to a formatting agent, and receiving said selected content from the formatting agent in a second data format compatible with the handheld device.

However, Brooks teaches the use a device receiving data in only one format and determining a processing program for the selected format and converting that data to the proper format (col. 2, line 57 – col. 3, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thompson in view of Brooks to have a transitory selectable item that comprises content in a first data format that is incompatible with the handheld device, identify content selection to a formatting agent, and receive said selected content from the formatting agent in a second data format compatible with the handheld device. One would be motivated to do so because it allows the user to view all of the available content on their device.



Regarding claim 25, Thompson and Brooks teach the method of claim 24, wherein the formatting agent is disposed within the viewing device (col. 2, line 57 – col. 3, line 5, Brooks).

Regarding claim 26, Thompson teaches a method for a handheld device to facilitate interactive content associated with a broadcast, comprising:

receiving, by a local viewing device, the broadcast from the remote source (col. 1, lines 19-22, col. 3, lines 14-25);

broadcasting the broadcast to the viewing device (col. 1, lines 19-22, col. 3, lines 14-25, col. 6, lines 10-17);

maintaining a content catalog having content changing based at least in part on what is broadcast to the viewing device (col. 1, lines 19-22, col. 3, lines 14-25, col. 6, lines 10-17);

receiving an indication from the handheld device of interest in obtaining the content catalog (col. 1, lines 19-22, col. 3, lines 14-25, col. 6, lines 10-17); and

the selected content is synchronized with the broadcast received by the local viewing device (col. 9, lines 19-27).

Thompson fails to teach the limitation further including the content catalog initially in a first data format provided by a content provider and providing the content catalog to a formatting agent configured to convert the content catalog into a second data format compatible with the handheld device.

However, Brooks teaches the use a device receiving data in only one format and determining a processing program for the selected format and converting that data to the proper format (col. 2, line 57 – col. 3, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thompson in view of Brooks to have the content catalog initially in a first data format provided by a content provider and providing the content catalog to a formatting agent configured to convert the content catalog into a second data format compatible with the handheld device. One would be motivated to do so because it allows the user to view all of the available content on their device.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al., U.S. Patent No. 6,484,011, in view of Brooks et al., U.S. Patent No. 7,069,573, further in view of Dunlap et al., U.S. Patent No. 6,560,637.

Thompson teaches the invention substantially as claimed including an annunciator display device which is always on and which can wirelessly receive information to be display (see abstract).

As to claim 1, Thompson teaches a method utilizing for a local handheld device operable to receive content associated with a broadcast from a remote source, comprising:

receiving, by a local viewing device, the broadcast from the remote source (col. 1, lines 19-22, col. 3, lines 14-25, Thompson discloses a wireless display device receiving a content catalog by means of a broadcast);

receiving by the handheld device a content catalog, said catalog varying based at least in part on the broadcast from the remote source and identifying interactive content associated with the broadcast provided by a content provider (col. 1, lines 19-22, col. 3, lines 14-25, col. 6, lines 10-17, Thompson discloses a wireless display device receiving a content catalog by means of a broadcast, with some content being interactive);

selecting by the handheld device content in the content catalog (col. 6, lines 10-17, Thompson discloses pressing an arrow key on the device to choose content); and

the selected content is synchronized with the broadcast received by the local viewing device (col. 9, lines 19-27, Thompson discloses the synchronization of a broadcast received by a device).

Thompson fails to teach the limitation further including content in a first data format incompatible with the handheld device, identifying content selection to a local formatting agent, and receiving said selected content from the formatting agent in a second data format compatible with the handheld device.

However, Brooks teaches a personal broadcasting and viewing method of audio and video data using a wide area network (see abstract). Brooks teaches the use a device receiving data in only one format and determining a processing program for the selected format and converting that data to the proper format (col. 2, line 57 – col. 3, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thompson in view of Brooks to have content in a first data format incompatible with the handheld device, identify content selection to a formatting agent, and receive said selected content from the formatting agent in a second data format compatible with the handheld device. One would be motivated to do so because it allows the user to view all of the available content on their device.

Thompson and Brooks fail to teach the limitation further including a local formatting agent.

However, Dunlap teaches a device for displaying presentations and for distributing presentations over a computer network (see abstract). Dunlap teaches local formatting on a device (col. 2, lines 10-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thompson and Brooks in view of Dunlap to have a local formatting agent. One would be motivated to do so because it allows formatting conversions that don't need to be pre-planned on a server.

Regarding claim 2, Thompson and Brooks teach the method of claim 1, wherein the handheld device comprises a wireless coupling to the formatting agent (col. 3, lines 1-5, Brooks discloses a mobile client device wirelessly connected to the web server which does the converting).

Regarding claim 3, Thompson and Brooks teach the method of claim 1, wherein the content catalog content corresponding at least in part to broadcasts available for receipt by the viewing device (col. 1, lines 19-22, col. 3, lines 14-25, Thompson).

Regarding claim 4, Thompson and Brooks teach the method of claim 1, further comprising:

broadcasting the broadcast to the viewing device over a communication channel;  
determining broadcast-related data for the broadcast; and  
making said broadcast-related data available to a content initiator so that the content initiator associates said broadcast related data with the content catalog (col. 1, lines 19-22, col. 3, lines 14-25, Thompson).

Regarding claim 5, Thompson and Brooks teach the method of claim 4, further comprising:

providing, by a broadcaster, said broadcast-related data to a content provider so that the content provider makes said broadcast-related data available to the content initiator (col. 1, lines 19-22, col. 3, lines 14-25, Thompson).

Regarding claim 6, Thompson and Brooks teach the method of claim 1, further comprising:

retrieving said selected content from the content provider (col. 3, lines 14-25, Thompson);

converting by the formatting agent of the first data format into the second data format (col. 2, line 57 – col. 3, line 5);

Regarding claim 8, Thompson teaches a method for a local handheld device to facilitate interactive content associated with a broadcast from a remote source, comprising:

receiving, by a local viewing device, the broadcast from the remote source (col. 1, lines 19-22, col. 3, lines 14-25);

indicating with the handheld device interest in obtaining a content catalog having a portion identifying interactive content associated with the broadcast (col. 1, lines 19-22, col. 3, lines 14-25, col. 6, lines 10-17);

receiving the content (col. 3, lines 14-25);

selecting content in the content catalog (col. 6, lines 10-17);

the selected content is synchronized with the broadcast received by the local viewing device (col. 9, lines 19-27);

Thompson fails to teach the limitation further including receiving the content catalog from a local formatting agent, content in a first data format incompatible with the handheld device, identifying content selection to a formatting agent, receiving said selected content from the formatting agent in a second data format compatible with the handheld device; wherein said converting to the second data format includes determining characteristics of the handheld device; identifying a portion of said selected

content that is incompatible with the handheld device; and converting said incompatible portion into a compatible portion based on said determined characteristics.

However, Brooks teaches the use a device receiving data in only one format and determining a processing program for the selected format and converting that data to the proper format (col. 2, line 57 – col. 3, line 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thompson in view of Brooks to receive the content catalog from a formatting agent, content in a first data format incompatible with the handheld device, identifying content selection to a formatting agent, receiving said selected content from the formatting agent in a second data format compatible with the handheld device; wherein said converting to the second data format includes determining characteristics of the handheld device; identifying a portion of said selected content that is incompatible with the handheld device; and converting said incompatible portion into a compatible portion based on said determined characteristics. One would be motivated to do so because it allows the user to view all of the available content on their device.

Thompson and Brooks fail to teach the limitation further including a local formatting agent.

However, Dunlop teaches local formatting on a device (col. 2, lines 10-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thompson and Brooks in view of Dunlap to have a local formatting agent. One would be motivated to do so because it allows formatting conversions that don't need to be pre-planned on a server.

Regarding claim 9, Thompson and Brooks teach the method of claim 8, wherein said incompatible portion comprises an Internet communication protocol (col. 2, line 57 – col. 3, line 5, Brooks).

Regarding claim 10, Thompson and Brooks teach the method of claim 1, wherein the content catalog comprises one or more of: links to content provider content, and embedded content provider content (col. 3, lines 14-25, col. 6, lines 10-17, Thompson).

Claims 7 and 11-17 do not teach or define any new limitations above claims 1, 4-6, and 8 and therefore are rejected for similar reasons.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments regarding Thompson and Brooks, filed June 25, 2007, have been fully considered but they are not persuasive.

8. In response to applicant's argument that Thompson and Brooks are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for



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rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both arts are related to devices that receive data.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,574,660 to Pashupathy et al.

U.S. Pat. No. 6,317,795 to Malkin et al.

U.S. Pat. No. 6,259,405 to Stewart et al.

U.S. Pat. No. 6,671,715 to Langseth et al.

U.S. Pat. No. 6,166,778 to Yamamoto et al.

U.S. Pat. No. 6,567,660 to Wegener et al.

U.S. Pat. No. 6,088,455 to Logan et al.

U.S. Pat. No. 6,412,112 to Barrett et al.

U.S. Pat. No. 6,587,835 to Treyz et al.

U.S. Pat. No. 6,457,047 to Chandra et al.

U.S. Pat. No. 6,343,318 to Hawkins et al.

U.S. Pat. No. 6,331,865 to Sachs et al.

U.S. Pat. No. 6,154,772 to Dunn et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002.

The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

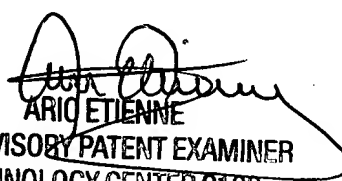
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

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AMG

  
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